

Interstate TRS Fund Advisory Council

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April 25, 2012

Gregory Hlibok, Chief
Disability Rights Office
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Subject: Concerns of the ITRS Fund Advisory Council

Dear Greg:

Thank you for joining our April 18, 2012 ITRS Fund Advisory Council meeting and sharing an update on the important regulatory issues facing our industry. The Council wanted to follow up with you on a few items of importance, 1) the possible discontinuance of IP-Relay by providers, 2) a desire by the council to review with the TRS Fund Administrator data pertaining to proposed rates for VRS prior to the time that the Administrator must make a filing to the Commission, 3) release of state by state minutes data and 4) the growth of IP-CTS.

Possible Discontinuance of IP Relay Service

As you saw during the meeting, the TRS Fund Administrator indicated that all providers of IP-Relay have not been paid for services provided in the months of January, February, March, and thus far in April. We realize not all these payments are immediately due to providers, however from the discussion at the meeting, it appears providers are operating with no knowledge as to whether payments are expected for these months, or what criteria will be evaluated in the consideration of a release of payments. The Fund Administrator was unable to provide any certainty on when those payments would be made.

Since the Council represents consumers, providers, state relay administrators, and TRS fund contributors, we share a collective concern about the possible domino effect of a discontinuance of IP-Relay by one or more providers who are no longer able to financially bear the risk associated with paying for the labor costs to deliver service with no indications as to whether payments will be made for services provided. We believe the future of IP-Relay is at risk due to uncertainty among providers related to categorical suspension of payments.

The Council urges the Commission to take steps to ensure timely reimbursements to providers and make interest payments on withheld reimbursements where the TRS Fund Administrator or the Commission ultimately determines the minutes at issue are compensable. We understand that Hamilton Relay has already filed a petition covering this subject as well.

We acknowledge, and fully support, the FCC's efforts to refresh the record from the 2006 NPRM on IP-Relay abuse and the FCC's new requirement that providers furnish call detail records with their submissions. We realize evaluations of these call detail records by the TRS Fund Administrator can require time for extensive review, but we request that a reasonable time frame be established to indicate either a specific date when providers will be paid for services rendered, or a specific date that providers will have clarity as to whether payments are forthcoming.

The record on the Docket clearly shows that IP Relay is important to deaf and hard of hearing users and we believe the risk of its discontinuance as a service is real based on the current reimbursement uncertainty and despite the guidance given in the April 2011 Order regarding payment processing.

The sudden discontinuance of IP-Relay service will not only have a significant impact on those users who rely on those service but also on the remaining service providers who will need to make quick adjustment in their labor forces to be able to meet speed of answer requirements. This issue thus has critical relevance not only to customer choice but also to competition, quality of service and costs that will be incurred against the iTRS Fund.

Review of Proposed VRS Rates

On the topic of proposed VRS rates, the Council does offer valuable input to the Administrator when given time to review industry data as we have done with the proposed rates for STS, TRS, CTS, IP-CTS and IP-Relay. We understand the Commission's concern about releasing information related to VRS rates only when the data is ready, and we acknowledge the Administrator has a duty to file its annual report and recommendations with the Commission by May 1. The Council respectfully requests that the FCC's directives on the topic of VRS rate proposals made by the Administrator take into consideration a review period whereby the Council and Administrator may review the Administrator's recommendations prior to its obligations to file its annual report and recommendation..

Release of State-by-State Minutes

One of the effects of the changes in TRS Fund Administrator from NECA to RLSA was the end of a monthly Video Relay Service Terminating Call/Minute Summary and Internet Relay Service Terminating Call/Minute Summary data report that identified the number of calls made and the number of minutes used on a per-state basis. The Council wishes to see a similar monthly report reinstated. The Council wishes the reports be released in the same format detailing originating rather than terminating calls and minutes. The Fund Administrator was unclear on whether it has the authority to release this information. Before the traditional report was discontinued, state regulators and state relay administrators found this information very relevant. Your support of the continuation of this monthly report would be most appreciated.

Growth of IP-CTS

The TRS Administrator reported on its expectations of continued rapid growth of IP-CTS services, which will yet become another example of the FCC's success in carrying out the intents of the Americans with Disabilities Act. Since the 2007 Order authorizing reimbursement for IP-CTS, there have, however, been no meaningful rules developed related to this service, including issues such as registration and verification. The Council has consistently in past meetings brought up concerns about protecting the integrity of this important service. The TRS Council believes in the value of IP-CTS for people who need the service and given the size of the potential user community, we encourage the Commission to take the lessons being learned with VRS and IP-Relay and to be proactive in addressing potential issues through rulemaking informed by stakeholder input.

Thank you again for attending our spring Council meeting and for considering our requests.

Respectfully,

Members of the Council

Cc: Sean Lev, FCC
Karen Peltz-Strauss, FCC
Robert Aldrich, FCC
Dave Rolka, RLSA